

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 06401.00418)

In re application of:

Lin Wang

Serial No: 10/687,498

Filed: March 25, 2004

For: Process Using Cold-Water Soluble
Extruded Starch

)

)

) Group Art Unit: 1732

)

) Examiner: Monica A. Huson

)

) Confirmation No.: 9050

)

)

)

Adjustment date: 12/05/2008 CKHLOK
02/25/2008 INTERSW 00013651 190733 10687498
01 FC:1464 130.00 CR
02 FC:1255 2230.00 CR

PETITION UNDER 37 C.F.R. 1.181 AND/OR 1.183

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersign respectfully petitions for a refund of the filed Time Extension Fees paid upon filing the Appeal Brief in this Application.

We mailed a Notice of Appeal on July 23, 2007. On the same day, we mailed a Pre-Appeal Brief Conference Request. The office failed to act on our request.

On February 21, the undersigned spoke with Examiner Huson, who indicated that she could not hold a Pre-Appeal Conference Request until February 24, 2008. The undersigned pointed out that this date was after the five-month extended dated for filing the Appeal Brief. Although the Examiner seemed not to regard this as an issue, the undersigned is aware that oral promises of the Examiner are not binding on the office, and is also aware that Examiners normally are not empowered to waive the provisions of 37 C.F.R 1.136.

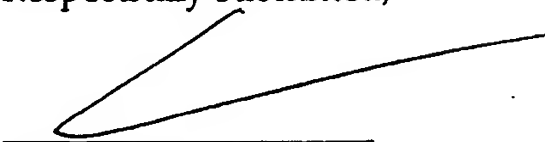
Had the office acted on the Pre-Appeal Request for Review, the Appeal might have been allowed, but if not, time extension fees would not have been payable upon filing the Appeal Brief. The undersigned's client should not have to pay for time extension fees incurred due to inaction of the office, and respectfully request that these

fees be refunded. The office may charge a fee for this petition to deposit account 19-0733, but respectfully requests that this petition fee also be refunded.

Respectfully submitted,

Date: February 22, 2008

By:



Allen E. Hoover
Registration No. 37,354
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, IL 60606
Phone: 312-463-5000
Fax: 312-463-5001

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: <u>12/04/08</u>		2 Serial/Patent # <u>10/687,498</u>			
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
	Filing			\$	
	Amendment			\$	
X	Extension of Time		02/25/08	\$ 2,230.00	
	Notice of Appeal/Appeal			\$	
X	Petition		02/25/08	\$ 130.00	
	Issue			\$	
	Cert of Correction/Terminal Disc.			\$	
	Maintenance			\$	
	Assignment			\$	
	Other			\$	
			7 TOTAL AMOUNT OF REFUND		\$ 2,360.00
			8 TO BE REFUNDED BY:		
			Treasury Check		
			Credit Deposit A/C #:		
			9	1	9
				--	0
				7	3
				3	3
10 REASON:					
	Overpayment				
	Duplicate Payment				
X	No Fee Due (Explanation):				
Petition and extension of time fees were not required.					
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME: <u>Christopher Bottorff</u>		TITLE: <u>Petitions Examiner</u>			
SIGNATURE: <u><i>Chris Bottorff</i></u>		PHONE: <u>571-272-6692</u>			
OFFICE: <u>Petitions</u>					

THIS SPACE RESERVED FOR FINANCE USE ONLY:					
APPROVED: <u><i>CKHOK</i></u>		DATE: <u>12/15/08</u>			

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**